IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.723 OF 2005

IN

SUMMARY SUIT NO.1414 OF 2005

Lalitkumar Mangilal Jain. ...Plaintiff

vs.

Mahendrakumar Jeetmal Jain alias
Mahendrakumar Jeetmal Dhakad ...Defendant.

Mr.Yashpal Jain, for Plaintiff.

Mr.Jaideep Mitra i/b. D.D.singh, for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 13th June, 2006.

P.C.:-

By consent of parties, the summons for judgment is disposed of in the following terms:

1. In case the defendant deposits an amount of Rs.10,00,000/- (Rupees Ten lakhs only) in this Court with due intimation to the plaintiff within a period of Twelve weeks from today, the summons for judgment shall stand disposed of and leave to defend shall

stand granted to the defendant. In that event the defendant shall file written statement within a period of Twelve weeks from the date of deposit.

2. In case the amount is deposited, the Prothonotary & Senior Master of this Court shall permit the plaintiff to withdraw the amount on furnishing bank guarantee of a nationalised bank to the satisfaction of the Prothonotary and Senior Master of this Court and filing an undertaking undertaking therein to re-deposit the amount if so directed by this Court and on such terms and conditions as may be directed by this Court, further undertaking that in the event of plaintiff being required to re-deposit the amount, the rate of interest shall not be less than 12% per annum. The withdrawal be permitted within a period of Twelve weeks from the date of deposit.

3. If the amount is not withdrawn by the plaintiff within the aforesaid period by furnishing bank guarantee, the Prothonotary and Senior Master of this Court shall invest that amount in fixed deposit in a

nationalised bank during the pendency of the suit.

4. In case the defendant fails to deposit the amount within the aforesaid period, this summons for judgment shall stand granted and the suit shall stand decreed in terms of prayer clause (a) and (b). In that event, Court fee be refunded as per rules.